

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA

FEB 12 2007

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MERCEXCHANGE, L.L.C.,

Plaintiff,

Civil Action No. 3:07-mc-00004-bwc

v.

(Case No. 2:01cv736, Pending in the United
States District Court for the Eastern District of
Virginia)

EBAY, INC., and HALF.COM, INC.,

Defendants.

**RESPONDENT ALFRED WEAVER AND MERCEXCHANGE, L.L.C.'S MOTION TO
QUASH DEPOSITION AND DOCUMENT SUBPOENAS**

Pursuant to Fed. R. Civ. P. 26(c) and 45(c), Respondent Alfred Weaver ("Weaver") and the plaintiff in the underlying action, MercExchange, L.L.C. ("MercExchange"), respectfully request that the Court quash the subpoena *duces tecum* and deposition subpoenas served by Defendants eBay, Inc. and Half.com, Inc. (collectively "defendants" or "eBay") upon Dr. Weaver. Defendants' subpoenas blatantly violate the limited scope of discovery authorized by the Trial Court in the underlying litigation, and should not be enforced by this Court. The grounds for this motion are set forth in detail in the accompanying brief in support and in Dr. Weaver's and MercExchange's brief in opposition to defendants' motion to compel.

Dated: February 9, 2007

Respectfully submitted,

ALFRED WEAVER, Ph.D., and
MERCEXCHANGE, L.L.C.,

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of February, 2007, I caused a copy of the foregoing **RESPONDENT ALFRED WEAVER AND MERCEXCHANGE, L.L.C.'S MOTION TO QUASH DEPOSITION AND DOCUMENT SUBPOENAS** to be served as follows:

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